

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.17, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 51, “Dental Screening,” Iowa Administrative Code.

The rules in Chapter 51 describe the school dental screening requirement, including dental screening applicants, providers, and documentation. These amendments incorporate changes made in 2010 Iowa Acts, House File 2144.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 8, 2010. Such written comments should be directed to Sara Schlievert, Department of Public Health, Oral Health Bureau, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)242-6384 or by E-mail to sschliev@idph.state.ia.us.

Also, there will be a public hearing on June 8, 2010, from 3 to 4 p.m. at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

This hearing will originate from the Iowa Communications Network (ICN) Room on the Sixth Floor of the Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa, and will be accessible over the ICN from the following additional locations:

- Room 7A, Buena Vista University, 610 W. 4th Street, Storm Lake
- Conference Room A, Ottumwa Regional Health Center, 1001 E. Pennsylvania, Ottumwa
- Tech. Building, Red Oak High School, 2011 N. 8th Street, Red Oak
- Cedar Falls Public Library, 524 Parkade, Cedar Falls

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Iowa Department of Public Health and advise of specific needs.

These amendments are intended to implement 2009 Iowa Code Supplement section 135.17 as amended by 2010 Iowa Acts, House File 2144, sections 2 and 3.

The following amendments are proposed.

ITEM 1. Amend **641—Chapter 51**, parenthetical implementation statute, as follows:
(~~82GA, ch 146, SF 2111~~ 135)

ITEM 2. Amend the following definitions in rule **641—51.2(135)**:

“*Applicant*” means any person seeking first-time enrollment in ~~an Iowa elementary school or high school~~ kindergarten or ninth grade in a public or accredited nonpublic elementary school or high school in Iowa.

“*Dental hygienist*” means a person licensed to practice as a dental hygienist ~~pursuant to Iowa Code chapter 153.~~

“*Dentist*” means a person licensed to practice as a dentist ~~pursuant to Iowa Code chapter 153.~~

“*Elementary school*” means kindergarten, ~~if provided, and grades one through grade six~~ in an Iowa school district or accredited nonpublic school.

~~“*Infection or injury*”~~ *Severe infection*” means ~~soft tissue laceration, excessive bleeding, or swelling, or a broken or dislodged tooth or pus discharge; or an abscess.~~

“*Nurse*” means a person licensed to practice as a registered nurse or advanced registered nurse practitioner pursuant to Iowa Code chapter 152.

“Physician” means a person licensed to practice medicine and surgery or osteopathic medicine and surgery pursuant to Iowa Code chapter 148, 150, or 150A.

“Physician assistant” means a person licensed to practice as a physician assistant pursuant to Iowa Code chapter 148C.

“Requires dental care” means that tooth decay or a white spot lesion is suspected in one or more teeth or that gum infection is suspected.

“Requires urgent dental care” means that obvious tooth decay is present in one or more teeth, ~~the child is experiencing pain, or there is evidence of injury or severe infection or injury, or the child is experiencing pain.~~

ITEM 3. Rescind the definition of “Transfer student” in rule **641—51.2(135)**.

ITEM 4. Adopt the following **new** definitions in rule **641—51.2(135)**:

“Gum infection” means that gum (gingival) tissue is red, bleeding, or swollen.

“Injury” means soft tissue laceration or a broken or dislodged tooth.

“Recorder” means a dentist, dental hygienist, physician, physician assistant, or nurse who is authorized to record screening information and sign the Certificate of Dental Screening form.

ITEM 5. Amend rule 641—51.3(135) as follows:

641—51.3(135) Persons included. The dental screening requirements specified in this chapter apply to all persons ~~newly enrolled or attempting to enroll for the first time~~ seeking first-time enrollment in kindergarten or ninth grade in a public or accredited nonpublic elementary school or high school in Iowa.

ITEM 6. Amend subrules 51.7(1) and 51.7(2) as follows:

51.7(1) Elementary school. To be valid, a minimum of one dental screening shall be performed on an applicant no earlier than three years of age but ~~prior to reaching six years of age~~ no later than four months after the enrollment date.

51.7(2) High school. To be valid, a minimum of one dental screening shall be performed on an applicant ~~within~~ no earlier than one year prior to the enrollment date and no later than four months after the enrollment date.

ITEM 7. Amend subrule 51.8(1) as follows:

51.8(1) To be valid, the certificate of dental screening shall be the department certificate or a form approved in writing by the department.

a. The Certificate of Dental Screening form is available on the department’s Web site at http://www.idph.state.ia.us/hpcdp/oral_health.asp or is available by calling the department at (866)528-4020.

~~b. Elementary school. The certificate of dental screening shall be signed by a dentist, dental hygienist, physician, physician assistant, or nurse.~~

~~c. High school. The certificate of dental screening shall be signed by a dentist or dental hygienist.~~

~~d. b.~~ The certificate of dental screening shall include all information required by ~~641—51.9(82GA, ch146, SF2111~~ 135).

c. The certificate of dental screening may also be deemed valid by the department if the department determines that the information on the certificate substantially complies with the dental screening requirements.

ITEM 8. Amend rule 641—51.9(135) as follows:

641—51.9(135) Dental screening documentation.

51.9(1) Student information. A person ~~performing~~ authorized to perform a dental screening required by this chapter shall record the following student information or ensure that such information is recorded on the certificate of dental screening provided or approved in writing by the department of public health in cooperation with the department of education:

1. Name (first and last);
2. Birth date;

3. Parent or guardian name;
4. Telephone numbers (home or mobile);
5. Address (street, city, and county);
6. School;
7. Grade level; and
8. Gender; ;
9. ~~Treatment needs (no obvious problems, requires dental care, requires urgent dental care);~~
10. ~~Date of dental screening;~~
11. ~~Provider type;~~
12. ~~Provider name, business address, and telephone number; and~~
13. ~~Provider signature.~~

51.9(2) Screening information. A person authorized to perform a dental screening required by this chapter shall record the following screening information on the certificate of dental screening provided or approved in writing by the department of public health in cooperation with the department of education:

1. Date of dental screening;
2. Treatment needs (no obvious problems, requires dental care, requires urgent dental care);
3. Provider type;
4. Provider name, business address, and telephone number; and
5. Provider or recorder signature and credentials.

ITEM 9. Amend subrule 51.12(2) as follows:

51.12(2) By ~~June 30~~ May 31 annually, each local board of health shall furnish the department with evidence for the preceding school year that each child enrolled in any public or accredited nonpublic school within the local board's jurisdiction met the dental screening requirement.

ITEM 10. Amend **641—Chapter 51**, implementation sentence, as follows:

These rules are intended to implement ~~2007 Iowa Acts, chapter 146, and 2008 Iowa Acts, Senate File 2144~~ 2009 Iowa Code Supplement section 135.17 as amended by 2010 Iowa Acts, House File 2144, sections 2 and 3.